

Extending welcome to Dr. and Mrs. Jack Haley.

S. R. No. 158—By Senator Grover: Extending welcome to Dr. and Mrs. Haden McKay.

S. R. No. 159—By Senator Grover: Extending welcome to Dr. A. T. Talley and Dr. Elisabeth Talley.

S. R. No. 160—By Senator Grover: Extending welcome to Dr. Byron York, Sr.

Recess

On motion of Senator Hardeman the Senate at 11:53 o'clock a.m. took recess until 11:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

February 22, 1967

S. B. No. 6

TWENTY-FIFTH DAY

(Continued)

Thursday, February 23, 1967

After Recess

The Senate met at 11:00 o'clock a.m. and was called to order by the President.

Reports of Standing Committees

Senator Hardeman by unanimous consent submitted the following report:

Austin, Texas,
February 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 50, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Cole by unanimous consent submitted the following reports:

Austin, Texas,
February 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 162, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

COLE, Chairman.

Austin, Texas,
February 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 165, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.

Austin, Texas,
February 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 159, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.

Austin, Texas,
February 22, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 45, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.

Message From the House

Hall of the House of Representatives
Austin, Texas,
February 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 24, A bill to be entitled "An Act setting aside for park purposes only the mineral estate of certain land in the counties of Culberson and Hudspeth to be used as a part of the Guadalupe Mountains National Park; making other provisions relating to the creation of Guadalupe Mountains National Park; providing certain powers and duties of the Commissioner of the General Land Office and other officials relating thereto; providing a severability clause; providing a repealing clause; providing a reverter clause; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Bills and Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

H. C. R. No. 36, In memory of Judge Irving Leslie Humphrey.

S. B. No. 74, A bill to be entitled "An Act relating to the appointment, compensation, and duties of a shorthand reporter for the 27th Judicial District of Texas; and declaring an emergency."

S. B. No. 39, A bill to be entitled "An Act amending Section 8 of Chapter 224, Acts of the Fiftieth Legislature, relating to creation of boards of trustees for certain junior college districts so as to change the terms of office of trustees elected for junior college districts governed by the provisions of said Act; providing a severability clause; and declaring an emergency."

S. B. No. 111, A bill to be entitled "An Act amending Article 655, Revised Civil Statutes of Texas, 1925, as amended, eliminating the affidavit requirement on seller of merchandise; and declaring an emergency."

S. B. No. 112, A bill to be entitled "An Act amending Article 635, Revised Civil Statutes of Texas, 1925, to eliminate the requirement that a contract bidder file an antitrust affidavit each time he submits a contract bid and to require a bidder to file, and to renew, the affidavit with his bid list application; and declaring an emergency."

S. B. No. 9, A bill to be entitled "An Act amending Section 37, Article I, of Texas Liquor Control Act, as heretofore amended by adding to the first paragraph or subdivision thereof as an identifying prefix the letter (a); by adding a new subdivision identified as subsection (b), preserving unto licensed beer distributors the right to continue operating as distributors and to engage in the business of selling and distributing beer in counties, justice precincts, or incorporated cities or towns where the sale of beer has been prohibited by valid local option election; etc., and declaring an emergency."

S. B. No. 14, A bill to be entitled "An Act changing the name of the 'Board of Regents of The University of Texas' to the 'Board of Regents of The University of Texas System'; authorizing the Board of Regents to change the name of certain institutions within The University of Texas System; providing an organizational arrangement; providing for transfer of appropriations and obligations and for no other change in status; and declaring an emergency."

Senate Resolution 161

Senator Hardeman, by unanimous consent offered the following resolution:

Whereas, The 27th day of February marks the anniversary of the birth of a native Texan, John Bowden Connally, who has been chosen for a third time to serve as our Governor; and

Whereas, His ability and leadership have endeared him to the people of Texas, and he has also achieved respect and affection, nationwide, as demonstrated by the honors of national significance accorded him; and

Whereas, He has fostered close relations between this State and our neighboring States of the Republic of Mexico, and the warmth of his personality has gained for him a place "simpatico" in the hearts of our Mexican friends; and

Whereas, The citizens of Texas wish for him a most enjoyable birthday anniversary celebration; and

Whereas, It is the purpose of the Senate of Texas to take note of this important event in the history of our State by extending to Governor Connally best wishes and congratulations; now, therefore, be it

Resolved, That the Senate of Texas officially recognize the anniversary of the birth of our distinguished Governor and that the congratulations and best wishes of the Senate be and they are hereby extended to the Honorable John B. Connally and that a copy of this Resolution, under the official Seal of the Senate, be transmitted to him as a token of the esteem and respect in which he is held.

HARDEMAN

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Senate Bills on First Reading

By unanimous consent the following bills were introduced, read first time and referred to the Committee indicated:

By Senator Schwartz:

S. B. No. 288, A bill to be entitled "An Act relating to the benefits payable from and the administration and organization of Firemen's Relief and Retirement Funds; amending Sections 6, 7A, and 10A and adding Sections 3B, 7E, 7F, and 13A, Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6243e, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Hazlewood:

S. B. No. 289, A bill to be entitled, "An Act amending Article 1257, Penal Code of Texas, 1925, to provide that the punishment for murder with malice shall be death or confinement in the penitentiary for any term of years not less than thirty, and providing that the punishment for murder without malice shall be for

any term of years not less than two nor more than thirty; amending Article 1257-a, Penal Code of Texas 1925, to delete the last sentence thereof relating to a defendant's eligibility for and entitlement to the benefits of the suspended sentence act; amending Article 1257-b, Penal Code of Texas, 1925; relating to instructions of the court in murder cases, to provide that the court shall instruct the jury that unless from all the facts and circumstances in evidence the jury believes the defendant was prompted and acted with his malice aforethought, they cannot assess the punishment at death or confinement in the penitentiary for any term of years not less than thirty; repealing all laws in conflict; providing for severability and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Hazlewood:

S. B. No. 290, A bill to be entitled "An Act transferring control and management of West Texas State University from the Board of Regents, State Senior Colleges, to a new body to be called Board of Regents, West Texas State University; providing for the creation of a Governing Board to be appointed by the Governor and confirmed by the Senate with residential limitations as to board members and their length of term of office; providing for the filling of vacancies occurring on the Governing Board and removal for certain causes; providing for the qualifying of appointees to the board, and its organization; providing for the work and the activities to be pursued in said university and subject to actions of the Governing Board; providing all powers, duties, rights, obligations, and functions of the Board of Regents, State Senior Colleges as these relate to West Texas State University shall be vested in and/or performed by the new Board of Regents, West Texas State University on the effective date of this Act; providing a repealing clause; and declaring an emergency."

To the Committee on Education.

By Senator Connally:

S. B. No. 291, A bill to be entitled "An Act relating to facilities under control and management of the Texas Department of Mental Health and Mental Retardation; authorizing the

Department to operate half-way houses and community centers, amending Section 2.17, chapter 67, Acts of the 59th Legislature, Regular Session, 1965, (codified as Section 2.17, Article 5547-202, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Harrington, Hightower and Brooks:

S. B. No. 292, A bill to be entitled "An Act concerning an optional retirement program for teachers and administrative personnel employed by State-supported institutions of higher education and annuity and insurance contracts issued for these and related purposes, and declaring an emergency."

To the Committee on Education.

By Senators Harrington and Brooks:

S. B. No. 293, A bill to be entitled "An Act concerning faculty development leaves of absence for faculty members of State institutions of higher learning, and declaring an emergency."

To the Committee on Education.

By Senators Harrington, Hightower and Brooks:

S. B. No. 294, A bill to be entitled "An Act amending Paragraph (b) of Subsection (3) of Section 1 of Article 3.50 of the Insurance Code and amending Subsection (a) of Section 1 of Article 3.51 of the Insurance Code to permit the expenditure of state funds to pay all or any portion of the premiums for certain group insurance contracts covering employees of the state; and declaring an emergency."

To the Committee on Education.

By Senator Hightower:

S. B. No. 295, A bill to be entitled "An Act to be referred to for all purposes as "The Uniform Wildlife Regulatory Act" conferring on the Parks and Wildlife Commission of Texas the authority, power and duty of protecting and regulating the harvest of wildlife resources in various Counties; defining such resources; prescribing certain limitations; prescribing the manner of adoption and publication of regulations; providing a penalty for violation; providing for repeal of certain

Acts; declaring provisions to be severable and providing a savings clause; and declaring an emergency."

To the Committee on Game and Fish.

By Senator Hightower:

S. B. No. 296, A bill to be entitled "An Act amending Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, as amended, codified as Article 8280-228, Vernon's Texas Civil Statutes, so as to authorize Red River Authority, to effectuate navigation and related works; to effectuate flood control works, including channel alignment and bank stabilization; to effectuate public parks and recreation related thereto; to effectuate facilities necessary for the collection, treatment and disposal of sewage and other undesirable waste; providing contractual powers, and authority to issue revenue bonds; providing a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Strong:

S. B. No. 297, A bill to be entitled "An Act amending Senate Bill No. 4, Acts of the 59th Legislature, Regular Session, 1965, by adding thereto a new section, Section 4a, to provide a limited State supported salary aid program and fund for the adjustment of salaries locally of professional personnel allocated under provisions of the Foundation School Program Act and employed by public school districts; providing for utilization of funds allocable and available hereunder determined on a formula basis; requiring annual certification to the State Comptroller of Public Accounts of sum required for this salary aid program; providing for financing thereof as certified and appropriations from the General Revenue Fund, and the return of unexpended balances thereto; and declaring an emergency."

To the Committee on Finance.

By Senator Strong:

S. B. No. 298, A bill to be entitled "An Act relating to overtime pay for state employees compensated on an hourly basis; and declaring an emergency."

To the Committee on Finance.

By Senator Hall:

S. B. No. 299, A bill to be entitled

"An Act validating proceedings relating to creation and establishing of the Collin County Fresh Water Supply District No. 1 and the bonds heretofore issued by such district; conferring on such district the power to construct a sanitary sewer system and issue bonds for such purpose as well as refunding bonds and prescribing procedures therefor; providing a procedure for the annexation of territory to the district; providing for staggered terms of office for the Supervisors of the district; providing such district shall have the powers provided in Chapter 4, Title 128, Revised Civil Statutes of Texas, 1925, as amended, except as modified by the provisions hereof; making certain findings; and declaring an emergency."

To the Committee on Water and Conservation.

Reports of Standing Committee

Senator Moore by unanimous consent submitted the following reports:

Austin, Texas,
February 23, 1967

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred S. J. R. No. 16, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Austin, Texas,
February 23, 1967

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred S. J. R. No. 20, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendment No. 1 and 2 and be printed.

MOORE, Chairman.

Austin, Texas,
February 23, 1967

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred S. J. R. No. 14, have had the

same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Austin, Texas,
February 23, 1967

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred S. J. R. No. 7, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Presentation of Guests

Senator Moore by unanimous consent presented as guests of the Senate and Lieutenant Governor and Mrs. Smith today Mr. and Mrs. Robert Milentz of Liberty.

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the Committee indicated:

H. B. No. 485, to Committee on Jurisprudence.

Senate Resolution 166

Senator Hardeman by unanimous consent offered the following resolution:

Whereas, Through the interest and generosity of two distinguished West Texans in encouraging elementary and high school students in developing their talents in the study of violin, voice and piano, these native West Texans are contributing to the cultural advancement of our country; and

Whereas, Mr. and Mrs. Paul Slator of Odessa, Texas, the son and daughter of pioneer families of the State, with roots laid deep in West Texas, early recognized the importance of stimulating the cultural development of the State, following which they instituted the "Pauline Slator Competition" in the categories of violin, voice and piano; and

Whereas, Under the direction of Mrs. William J. Harrington of Odessa, President of the Odessa Music Teachers Association, more than 150 contestants appeared before six out-

standing judges at the Ector High School in Odessa, to participate in the competition for the "Pauline Slator Competition Awards" on February 18, 1967, in connection with the largest competition of its kind in the State, which was originally begun some sixteen years ago by the Odessa Symphony; and

Whereas, The competition was ably conducted by the General Chairman, Mr. Robert Sewell, assisted by Mrs. Leland Croft, Mrs. L. R. Billingsley, Mrs. Grover Cleveland, Mrs. Aubrey Evans and Mrs. Max Walker, all of Odessa; and

Whereas, It is the desire of the Senate of Texas to recognize the outstanding contributions of Mr. and Mrs. Slator and to commend them for their interest and generosity in providing the awards in the competition and to express its appreciation to those who conducted and directed the programs; now, therefore, be it Resolved by the Senate of Texas, That it does hereby express its appreciation to Mr. and Mrs. Paul Slator, particularly, and to those assisting in conducting the competition, and that a copy of this Resolution, under the official Seal of the Senate be forwarded to them.

The resolution was read and was adopted.

Welcome and Congratulatory Resolutions

S. R. No. 162—By Senator Moore: Extending welcome to conductor and members of the Prairie View A Cappella Concert Choir and to Dr. A. I. Thomas, President of Prairie View A. & M. College.

S. R. No. 163—By Senator Bernal: Extending congratulations and appreciation to Major General Benjamin D. Foulois for his vigilant efforts toward the betterment of our national defense and the strengthening of our national security.

S. R. No. 164—By Senator Bernal: Extending welcome to members of the Foreign Student Association of Trinity University of San Antonio.

S. R. No. 167—By Senator Herring: Extending welcome to students and teachers of Brooke School of Austin.

S. R. No. 168—By Senator Herring: Extending welcome to students and teachers of St. Elmo Elementary School of Austin.

Adjournment

On motion of Senator Hardeman the Senate at 11:25 o'clock a.m. adjourned until 10:30 o'clock a.m. Monday, February 27, 1967.

APPENDIX

Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,
February 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 9, "An Act amending Section 37, Article I, of Texas Liquor Control Act, as heretofore amended by adding to the first paragraph or subdivision thereof as an identifying prefix the letter (a); by adding a new subdivision identified as subsection (b), preserving unto licensed beer distributors the right to continue operating as distributors and to engage in the business of selling and distributing beer in counties, justice precincts, or incorporated cities or towns where the sale of beer has been prohibited by valid local option election; provided that the sale of beer in such prohibited political subdivision shall be made only to licensed outlets to sell beer located outside of such political subdivision; by adding a new subdivision identified as subsection (c), preserving unto holders of Wholesaler's Permits the right to continue operating as wholesalers and to engage in the business of selling and distributing liquor at wholesale in counties, justice precincts, or incorporated cities or towns where the sale of liquor has been prohibited by valid local option election; provided that the sale of liquor in such prohibited political subdivision shall be made only to permit-holding outlets located outside of such political subdivision; by adding another subdivision immediately following subdivision (c) identified as subsection (d), declaring the policy of the Act; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
February 22, 1967.

Hon. Preston Smith, President of the Senate.

We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 14, "An Act changing the name of the "Board of Regents of The University of Texas" to the "Board of Regents of The University of Texas System"; authorizing the Board of Regents to change the name of certain institutions within The University of Texas System; providing an organizational arrangement; providing for transfer of appropriations and obligations and for no other change in status; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
February 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 111, "An Act amending Article 655, Revised Civil Statutes of Texas, 1925, as amended, eliminating the affidavit requirement on seller of merchandise; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
February 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 112, "An Act amending Article 635, Revised Civil Statutes of Texas, 1925, to eliminate the requirement that a contract bidder file an antitrust affidavit each time he submits a contract bid and to require a bidder to file, and to renew, the affidavit with his bid list application; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
February 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 39, "An Act amending Section 8 of Chapter 224, Acts of the 50th Legislature, relating to creation of Boards of Trustees for certain Junior College Districts so as to change the term of office of trustees elected for Junior College Districts governed by the provisions of said Act; providing a severability clause; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
February 23, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 74, "An Act relating to the appointment, compensation, and duties of a shorthand reporter for the 27th Judicial District of Texas; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

In Memory of

Judge Harvey M. Richey

Senator Watson by unanimous consent offered the following resolution:

(Senate Resolution 165)

Whereas, The citizens of the City of Waco and the County of McLennan suffered a tragic loss with the passing of Judge Harvey M. Richey, a leader in the legal, civic and church life of Waco and McLennan County for more than half a century; and

Whereas, Harvey M. Richey was born in Waco on June 30, 1882, the son of Mary McGaughy Richey and Ben Frank Richey; and

Whereas, He grew to manhood in Waco, received his bachelor's degree from Baylor University in 1902, and graduated from the University of Texas Law School in 1907; and

Whereas, He was admitted to the bar the same year and began a long legal career that included a tenure as judge of the 19th District Court in 1961, as judge of the 74th District Court from 1917 to 1926, and thirty years on the faculty of Baylor Law School; and

Whereas, Judge Richey, a senior partner in the law firm of Richey, Sheehy, Teeling and Cureton, and a member of the Waco-McLennan County Bar Association, was a noted expert on estates, wills and titles. He was a member of the Federal Bar Admissions Committee for more than thirty years; and

Whereas, Judge Richey's high ideals for the legal profession were an inspiration to his fellow attorneys; and

Whereas, He was President of the Citizens National Bank in Waco for forty years and an organizing director of the First Federal Savings and Loan Association. He was chairman of the board at the time of his death; and

Whereas, He was a member of the Waco School Board from 1928 until 1942 and served as chairman of the board from 1935 until 1942; and

Whereas, During his very vigorous and distinguished life, he was active in many other civic organizations, including the Waco Masonic Lodge No. 92, A.F. & A.M., the McLennan County Red Cross and the USO; and

Whereas, He served on the vestry of St. Paul's Episcopal Church and taught the Men's Bible Class at the church for many years; and

Whereas, Judge Richey was married to Miss Willie Seley on June 5, 1912; and

Whereas, He is survived by his wife; two sons, Dr. Harvey M. Richey, Jr., of Waco and Frank S. Richey of Great Bend, Kansas; one daughter, Mrs. W. E. Cureton of Waco; and five grandchildren; and

Whereas, Judge Richey enjoyed the high esteem and respect of his students, fellow attorneys and all who knew him throughout his exemplary career; and

Whereas, It is the desire of the Senate of the State of Texas to honor the memory of this outstanding Texan and extend its deepest sympathy to his loved ones; now, therefore, be it

Resolved, That the Senate of the Sixtieth Legislature adjourn today in memory of this fine man and that copies of this Resolution be sent to his family.

WATSON

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Wilson, Word.

The resolution was read.

On motion of Senator Word and by unanimous consent the name of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.